

Application No. 10/691916
Page 5

Amendment
Attorney Docket No. H01.2B-11371-US01

Amendments To The Drawings:

None.

Application No. 10/691916
Page 6

Amendment
Attorney Docket No. H01.2B-11371-US01

Remarks

This Amendment is in response to the Final Office Action dated **June 16, 2005**.

In the office action the examiner rejected claims 1-10 under §112 and also rejected claims 1-10 under §103.

In response, applicant has amended claim 2 to fix the §112 problem created by the different terminology "brake conduit" from claim 1 and "brake line" in claim 2.

Reconsideration Of The §103 Rejection

The examiner has indicated that Toomey has a single braking conduit through which two hydraulic cylinders effect a hydraulic brake. Applicant assumes the examiner means that this conduit should be the passage which in figure 1 leads from the T-valve 22 to the hydraulic brake 29.

Applicant does not believe that this is correct. A person of ordinary skill in the art can derive from Toomey **only** to provide two hydraulic cylinders which both effect a hydraulic brake. However, in Toomey both hydraulic cylinders are coupled with a linkage actuated by one pedal and connected each with a braking conduit. These conduits are designated in figure 1 with 7 and 16 and 10 and 19. Please note that in figure 2 the conduit 8 has the wrong number, rather it must be 18.

In the claimed invention, however, each hydraulic cylinder is associated with a separate actuator. One actuator is for example a brake pedal and the other actuator is an electromagnet which is initiated by an emergency stop device. These teachings are not included in Toomey.

Application No. 10/691916
Page 7

Amendment
Attorney Docket No. H01.2B-11371-US01

Therefore, the differences between Toomey and the invention according to claim 1 are the following:

- One braking conduit,
- separately actuated master cylinders,
- actuation of one master cylinder by an electromagnet,
- the electromagnet is actuated by an emergency stop device (which detects whether the steering system is supplied with current).

Kessler appears to be cited because it discloses an electromagnetically actuated hydraulic cylinder. Such evidence would not be necessary, because it is generally known in the art to provide an electromagnet for the actuation of a hydraulic cylinder.

What is claimed in the present invention is that the electromagnet serves to be actuated by an emergency stop device. Such an actuation of a second hydraulic cylinder as master cylinder for a braking system is neither disclosed by Toomey, nor by Kessler.

Therefore, the combination of Toomey and Kessler fails to meet the claim limitations of claim 1, and also therefore of dependent claims 2-10.

Conclusion

Applicant urges the Examiner to enter the amendment to claim 2, which places the claims in condition for allowance, or in better condition for appeal – because it removes a §112 issue. Applicant also urges the Examiner to reconsider the §103 rejection to claims 1-10 based on Toomey in view of Kessler. For the reasons stated above, the combination of Toomey and Kessler fails to meet all the limitations of any of claims 1-10.

Application No. 10/691916
Page 8

Amendment
Attorney Docket No. H01.2B-11371-US01

Claims 1-10, as amended, are now believed to be in condition for allowance.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: September 16, 2005

By: _____


Richard A. Arnett
Registration No.: 33153

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

f:\wpwork\raa\11371us01_amd_20050916.doc